

ENVIRONMENTAL INFORMATION SUMMARY

To achieve a balance between economic development and environmental protection, state and federal regulations have been established for new and existing Wisconsin businesses. This summary highlights some of the existing regulations enforced by the Wisconsin Department of Natural Resources (DNR) and the U.S. Environmental Protection Agency (EPA). Because the regulations are complex and can carry substantial fines if violated, companies are advised to consult with the DNR or outside experts to ensure that they are in compliance.

DO I NEED A PERMIT

- **DNR Permit Information**

The DNR has a permit coordinator to assist businesses with the appropriate environmental permits. In addition, the DNR publishes a "Permit Primer" that contains information about necessary permits and their statutory authority.

For further information, telephone 608/264-6266.

- **Business Development Assistance Center**

State agencies issue hundreds of different permits and licenses to businesses and individuals throughout Wisconsin. The Business Development Assistance Center (BDAC) in the Department of Commerce (COMMERCE) helps expedite the often-complex permitting process.

New, expanding, or existing businesses can quickly get the permitting information they need. The BDAC does not issue any permits, but acts as a clearinghouse for businesses, answering an array of regulatory questions. Information on state permits and licenses can be obtained by calling toll free 1-800-HELP-BUS.

The center also strives to quickly resolve delays, miscommunication, and other permitting problems facing a business.

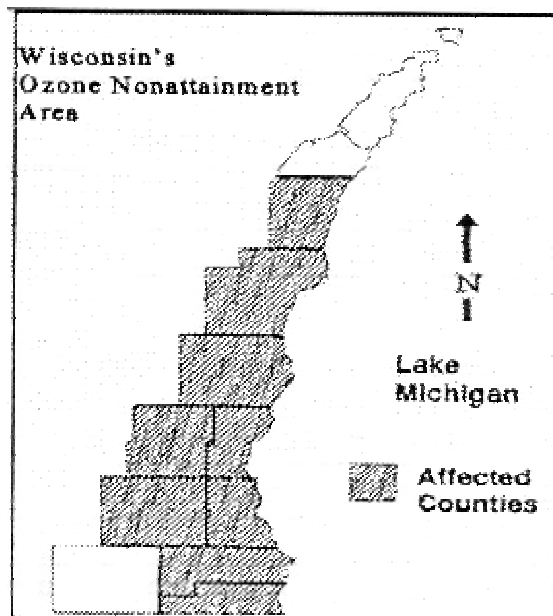
For assistance, call 1-608/267-0313.

AIR QUALITY

DNR and EPA regulate the type and amount of pollution released from businesses. This is done to protect human health and the state's natural resources.

The southeastern corner of Wisconsin does not meet air quality standards set by EPA. Facilities wishing to move to Milwaukee, Waukesha, Washington, Ozaukee, Kewaunee, Manitowoc, Sheboygan, Racine and Kenosha counties may be subject to additional requirements because these areas have been designated as nonattainment air quality areas by the federal government.

Small businesses needing assistance can call the Department of Commerce's **Small Business Clean Air Assistance Program (SBCAAP)** at 608/264-6153 or 608/267-9214.



Air Pollution Control Construction Permit

Air contaminant emitting businesses wishing to move to Wisconsin will need to prepare an application for an air pollution control construction permit. Examples include emissions from equipment powered by coal, wood and other fuels, or facilities that use inks, coatings and solvents. Permits are also required if the facility will have a parking lot for more than 1,000 cars or will add more than 500 spaces to an existing lot. An air pollution control construction permit is required prior to construction.

The application fee for an air pollution control construction permit is \$1,000, to be submitted with the application. If no permit is required after review of the application, the fee is returned. If a permit is required, the payment is applied to the required permit fee.

Businesses requiring permits should allow sufficient time to work through the permit application process with the DNR.

After the application is complete, the permit approval takes approximately 120 days for minor sources and 210 days for major sources, provided that a public hearing is not required. For further information on the construction permit process, **contact the DNR at 608/266-6876 or the Department of Commerce at 608/264-6153.**

Air Pollution Operation Permit

An air-operating permit is a legal document containing information on the air emissions of your business and how those emissions are monitored and controlled. It is recommended that a business meet with DNR representatives prior to construction to determine what operation permits will be needed. Minor sources will need to file for this permit in 1997-98. An operations permit stays in effect for up to five years before it must be renewed. If you are purchasing a facility that already has an operations permit and you are not making any modifications to the operations, you should contact DNR to assign the existing

permit to your name. **For further information contact the SBCAAP at 608/267-9214 or 608/264-6153.**

Air Emissions Inventory

DNR maintains an annual Air Emission Inventory, which requires companies to report their actual emissions to the DNR each year. The DNR compiles an air emission inventory from these reports. Facilities emitting certain levels of any of the 550 chemicals listed by DNR are required to file a report annually.

If your actual Volatile Organic Compound (VOC) emissions are over three tons, you will need to be included in this inventory. Companies with VOC emissions over five tons are assessed a \$32 per ton fee. **For further information, telephone 608/264-8854.**

Air Pollution Compliance Regulations

Standards for reducing air pollution from specific industrial activities are enforced by both federal and state government. Federal standards affect activities, such as chromium electroplating, solvent cleaning, dry-cleaning, wood furniture manufacturing, and aerospace manufacturing and rework industries. State regulations affect these and other activities, such as metal coating and salvaging refrigeration and air conditioning equipment. Businesses located in the ozone non-attainment area may face additional regulations. Affected industries in non-attainment areas include motor vehicle refinishing, lithographic printing, solvent cleaning, wood furniture coating, gasoline dispensing and the use of industrial adhesives. **For further information, telephone 608/267-0562.**

NON-HAZARDOUS SOLID WASTE

Plan approvals and licenses are required for any company that collects, stores, transports or disposes of solid waste. This is defined as garbage, refuse, salvageable material or sludge from a waste treatment plant, water supply treatment plant or air pollution

control facility. Information about forms and fees are contained in Natural Resources Code 320. Because this code is complex, companies are urged to contact a DNR representative for assistance. The permit-approval process typically takes 90 days. For further information, telephone (608) 266-0520.

HAZARDOUS WASTE MANAGEMENT

The regulations vary depending on the amount of waste you generate. Generators of waste are categorized as follows:

- ◆ **Very Small Quantity Generators (VSQG)** Generate less than 100 kg or 220 lbs per calendar month; *and* do not accumulate more than 1,000 kg or 2205 lbs at any time.
- ◆ **Small Quantity Generators(SQG)** Generate more than 100 kg or 220 lbs and less than 1,000 kg or 2,205 lbs per calendar month- and do accumulate less than 6,000 kg or 13,320 lbs at any time
- ◆ **Large quantity generator(LQG)** Generate more than or equal to 1000 kg or 2205 lbs in any calendar month; *and* does not accumulate for more than 90days

SQG or LQG Waste Generators must:

- ◆ Obtain an Environmental Protection Agency (EPA) identification number and store the waste in accordance with regulations for the proper management of containers;
- ◆ Meet the specific accumulation time and quantities for on-site storage;
- ◆ Package, mark, and label wastes in accordance with the US Department of Transportation's hazardous materials transportation requirements;
- ◆ Use a DNR licensed hazardous waste transporter and fill out a hazardous waste manifest;
- ◆ Properly recycle, treat, store or dispose of waste at a hazardous-waste facility approved to accept the waste,

- ◆ Establish emergency procedures for responding to environmental emergencies such as leaks, spills, and fires involving hazardous waste;
- ◆ Meet record keeping and reporting requirements;
- ◆ Submit an annual report on your waste management activities to the DNR. Manifests must be used by SQGs and LQGs and Treatment, Storage and Disposal (TSD) facilities for hazardous-waste shipments. The manifest must identify the quantity, composition, generator, transporter, and destination of all hazardous wastes.

Plans for hazardous waste TSD facilities must be prepared by a professional engineer registered in Wisconsin. Plan review and license fees range from \$250 to \$50,000. A complete listing of the fees can be found in Table XII of the Natural Resources Code 680. It typically takes two weeks to receive a license to transport hazardous waste. The approval process for a storage, treatment or disposal facility can take two to three years due to siting issues, technical review, and public participation. **For further information, telephone 608/266-2111.**

There are several other regulations that pertain to hazardous substances. Among these are emergency planning, emergency notification and Community Right to Know. These regulations are known as SARA Title III regulations and can be found in ss. 166.20 and 144.76, Wisconsin Statutes. They require businesses that use, store, produce or transport any of 366 extremely hazardous substances above the reportable thresholds to submit an emergency planning notification to the State Emergency Response Board (SERB). A hazardous material spill must be reported to the Division of Emergency Government and the National Response Center immediately. Businesses are also required to submit copies of Material Safety Data Sheets to the SERB, and to provide a listing of chemicals stored on site during the year to the local fire department.

Under federal and state laws, all generators of hazardous waste have to comply with some regulations. The regulations covering hazardous waste are very specific, and have detailed requirements. For more information, refer to Chapters NR 600-685 of the Wisconsin Administrative Code.

PCB MANAGEMENT

Companies that transport, store or dispose of polychlorinated biphenols (PCBs) must be approved by the DNR. In addition, the EPA has its own regulations affecting pole mounted electrical distribution transformers and requirements for cleaning up PCB spills. The approval process for a PCB transporter license takes approximately two weeks. Approval for a PCB storage and processing facility will take several months. For more information, telephone 608/266-2111.

WASTE OIL RECYCLING

Companies that sell automotive oil, including service stations, must maintain a waste oil collection facility or post a sign directing customers to the nearest waste oil collection facility. Companies that transport non-hazardous waste engine oil must obtain a solid waste transportation license. The annual fee for the license is \$80 for the first truck and \$20 for each additional truck. **For more information, telephone (608)266-2111.**

RECYCLING PROGRAM

In 1990, Wisconsin passed a comprehensive waste reduction and recycling law that affects every resident, business, institution and governmental unit. Wisconsin businesses are under an obligation to recycle certain items that are banned from land filling and incineration. Businesses must also include space for the collection and storage of recyclables in any new, renovated or expanded facility.

The following materials must be recycled in Wisconsin wherever they are generated:

- ◆ newspaper or other materials printed on similar paper;

- ◆ office paper, magazines or other materials printed on similar paper;
- ◆ corrugated cardboard or other container board;
- ◆ containers made of steel, aluminum, bi-metal, glass and plastic-polystyrene foam packaging;
- ◆ waste tires;
- ◆ used motor oil;
- ◆ major appliances;
- ◆ lead-acid batteries;
- ◆ yard waste.

The DNR issued a variance in 1996 that allows the disposal of plastic containers labeled #3 to #7 and polystyrene foam packaging. In certain circumstances, the combustible materials may be burned in a licensed incinerator for energy recovery.

Local units of government are required to pass and enforce a mandatory recycling ordinance for their jurisdiction as part of developing an effective recycling program. The ordinances affect businesses as well as residences. It is essential that business owners inform themselves about the specific requirements of the local recycling ordinance.

There are additional impacts of the recycling law on certain businesses. If you have questions about recycling law or would like assistance in developing a business-recycling program, **please contact the Recycling Markets Development Board, 608/261-8509.**

PRIVATE WATER SUPPLY

Potable wells must be installed by state licensed well drillers. Special DNR approval is required for wells that have a pumping capacity of 70 gallons per minute or more, and for the treatment of contaminated water supplies not covered by Department of Commerce approved treatment devices. No fees are charged for the plan reviews, which typically take between 15 and 20 business days. **For more information, telephone 608/267-7649.**

INDUSTRIAL WASTEWATER MANAGEMENT

Permits are required for companies that discharge wastewater into surface or groundwater, including storm sewers not connected to a municipal sanitary sewer. Applications must be submitted at least 180 days before the discharge begins.

In addition, plans must be filed with the DNR for approval before construction begins if the project involves :

- ◆ a new industrial wastewater treatment facility,
 - ◆ a modification of an existing plant;
 - ◆ a replacement of major equipment;
 - ◆ an installation of monitoring equipment.
- It may take the DNR six to nine months to prepare a finished permit. If a discharge is simple, the facility may qualify for a general permit, which normally takes one to two months. All Wisconsin Pollution Discharge Elimination System (WPDES) permit holders pay a fee under the NR101 Waste water Fee Program. This fee is based on the pollutants in the wastewater discharged by the permit holder. Invoices, which are sent out in June, document how the fee was calculated for the facility.

The plan approval process typically takes 90 business days, but can be extended an additional six months by agreement with the applicant. Discharge to a local municipal

treatment plant is negotiated with the local municipal treatment plant authority. **For more information, telephone 608/266-2304.**

WASTEWATER PRETREATMENT

Wastewater Pretreatment Permits are required for industrial wastes discharged into publicly owned treatment works (POTWs). Companies should consult NR202-297 for detailed information. If a company is in a listed industrial category, it must submit a baseline monitoring report 90 days before discharging non-hazardous wastes and 180 days before discharging hazardous wastes. No state fees are charged, but there may be some fees assessed by the local treatment plant. **For more information, telephone 608/266-7721.**

STORM WATER PROGRAM

All manufacturing facilities, trucking companies, hazardous waste treatment facilities, mining companies, and construction sites over five acres must have a storm water permit. The approval process takes 30 days for construction sites and 90 days for general operations. **For more information, telephone 608/264-6273.**

WETLANDS AND NAVIGABLE WATER PERMITS

Companies locating near water or wetlands may require a permit under Section 404 of the federal Clean Water Act. Firms should contact the local county, city or village zoning administrator if the project is located in an identified floodplain, flood hazard area, wetlands or within 1,000 feet of a lake or flowage, or 300 feet of a stream. Permit fees range from \$15 to \$75, depending on the project's cost. Approvals typically takes 65 business days, or 130 business days if a public hearing is required. **For more information, contact your local DNR regional office as listed on the last page of this publication.**

STORM WATER RUNOFF

A DNR permit is required for sites over four acres in size and those designated in certain Standard Industrial Classification (SIC) codes. The permit requires a soil erosion plan during construction, and a management program after construction that addresses pollution as a result of storm water runoff from the facility. **For more information, telephone 608/267-7610.**

DAM REGULATION

DNR must approve any project involving the construction of a new dam or the reconstruction or modification of an existing dam. In addition, DNR must be notified if the dam is sold, abandoned or removed. Permit fees range from \$10 to \$75, and the approval time varies. New dams typically require public notification and sometimes a public hearing. **For more information, telephone 608/275-3304**

METALLIC AND MINERAL MINING

DNR requires various licenses for metallic mining and exploration. Fees range from \$300 to \$10,000. The approval process can take three to four years. **For more information, telephone 608/267-7553.**

OIL AND GAS EXPLORATION

DNR requires licenses for companies involved in oil and gas exploration. The fee is \$300, and a \$50,000 bond is required. There is a drillhole fee of \$200 each for the first 20 drill holes, and \$100 for each drillhole thereafter. The approval process takes 10 business days. **For more information telephone 608/267-7553.**

PETROLEUM CLEANUP

Petroleum Environmental Cleanup Fund Act (PECFA) was created by the state in 1987 to help businesses cover petroleum-related cleanup costs, including those involving underground storage tanks. Funding for the program, which is authorized up to \$75.5 million per year, comes from a three-cents-per-gallon oil inspection fee.

PECFA is a reimbursement fund. In most cases, monetary awards are not made until after the responsible party (owner, operator, home oil tank owner, etc.) completes a DNR-approved cleanup. Awards of up to \$500,000 for low-volume users and \$1 million for high-volume users are permitted. PECFA is administered by the WI Department of Commerce. **For more information, telephone 608/267-3753.**

SAFETY

The Occupational Safety and Health Administration (OSHA) is responsible for regulating work place safety in Wisconsin. For further information you can contact a representative at one of these locations:

U.S. Dept of Labor, OSHA
310 W. Wisconsin Ave Suite 1180
Milwaukee, WI 53203
414/297-3315

U.S. Dept of Labor, OSHA
2934 Fish Hatchery Rd. Madison, WI
53713
608/264-5388

U.S. Dept of Labor, OSHA
500 Barstow Street, Room B9
Eau Claire, WI 54701
715/832-9019

U.S. Department of Labor, OSHA
2618 N. Ballard Road
Appleton, WI 54911
414/734-4521

For free non-regulatory assistance by OSHA trained experts consult the WISCon Safety Consultant section on page 7.

SOURCES OF ADDITIONAL HELP AND INFORMATION

DEPARTMENT OF COMMERCE
Small Business Clean Air Assistance Program The Small Business Clean Air Assistance Program helps small business understand and comply with state and federal air pollution regulations. **Contact one of the programs Clean Air Specialists at 608/267-9214 or 608/264-6153.**

Brownfields Initiative Wisconsin's Brownfields Initiative is a multi-agency program targeted at the remediation and redevelopment of contaminated properties throughout Wisconsin. This program can provide grants and technical assistance to communities or businesses interested in revitalizing brownfield properties.

Municipalities, local development corporations and the private sector are eligible to apply for brownfields grants, provided that the person who caused the environmental contamination is not able to pay for cleanup costs, and that a Phase I and II environmental assessment has been conducted. A project is judged on its economic impact on the community, the degree to which it will have a positive effect on the environment, the level of local commitment to the project and the innovativeness of the cleanup and redevelopment plans.

Another important feature of the grant program is that the funds are apportioned among three ranges of grant requests: requests under \$300,000; between \$300,000 and \$700,000; and between \$700,000 and \$1.25 million.

COMMERCE has also established the Community Development Block Grant Program. It offers up to \$5 million for environmental assessments and cleanup of contamination for non-entitlement communities with populations under 50,000 people.

The Enterprise and Community Development Zone programs offer tax

credits for up to 50 percent of the cost of redeveloping a brownfield site.

For more information contact Jacqueline Jarvis, Department of Commerce Brownfields Ombudsman, at 608/266-7562 if you have any questions about the Brownfields Grant Program or Wisconsin's Brownfields Initiative.

WISCon Safety Consultants The WISCon Safety Consultation program provides no-cost, confidential safety consultations for Wisconsin businesses. Our safety consultants will not issue citations or report possible violations to OSHA. **Contact a program representative at 414/521-5063.**

DEPARTMENT OF NATURAL RESOURCES
Hazardous Waste Minimization Program The Hazardous Waste Minimization Program provides information and technical assistance through workshops, an information clearing house and the publication of newsletters. **Contact this program at 608/264-8852.**

Bureau of Cooperative Assistance The Bureau of Cooperative Assistance provides guidance and information to businesses affected by environmental regulations. It can provide pollution prevention, regulatory assistance and industry recognition to Wisconsin business. Each business sector specialist works with a particular industry to learn about that sectors needs and to provide timely assistance. Contact the business sector specialists listed below for further information.

Sector Specialists

Auto Services 608/267-3763

Dry Cleaning 608/275-3207

Health Services 608/267-0876

Metal Plating & Finishing 920/492-5865

Printing 608/355-0811

Wood Products 715/365-8936

Salvage Yards 715/831-3263

Chemical Mfg. 414/263-8681

Energy 608/267-0802

Food Processing 608/266-7715

Foundries 608/267-0567

UNIVERSITY OF WISCONSIN

Solid & Hazardous Waste Education

Center (SHWEC) SHWEC provides

technical assistance to businesses and

communities on emissions reduction,

pollution prevention, recycling, and solid

waste management. These free, non-

regulatory services emphasize waste

reduction and cost reduction opportunities.

For information call Green Bay 920/465-

2327, Madison 608/262-0385.



